

10/588629

IAP7 Rec'd PCT/PTO 04 AUG 2006

UNITED STATES PATENT APPLICATION TRANSMITTAL FORM

Mail Stop PCT
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: DO/EO/US

Docket No.: 377.8429USU

Customer No.: 27623

Dear Sir:

Transmitted herewith for filing is the patent application of

Applicant(s): Timothy Nicholas MOOR
For: FLUID ANALYSER SYSTEMS
International Application No.: PCT/EP2005/000933
International Filing Date: 27 January 2005

ENTERING OF U.S. NATIONAL STAGE UNDER 35 U.S.C. §371

Transmitted herewith for filing are the following documents submitted under 37 C.F.R. §1.495(b) for the purpose of entering the national stage in the United States of America as an elected office. Enclosed are:

XXXX Specification (31 pps.) consisting of: Description (24 pps.); Claims (7 pps.) and Abstract (0 page);
 Declaration and Power of Attorney;
XXXX 9 sheet of drawings;
XXXX Preliminary Amendment;
 An Assignment of the invention to: Elan Vital (UK) Limited, including \$40.00 recordation fee and recordation cover sheet;
XXXX Information Disclosure Statement with copies of patent(s) (Form - PTO-1449);
XXXX The undersigned attorney has verified that the applicant is entitled to a Small Entity Status;

XXXX Priority of application Serial No. **0402532.6** filed on **5 February 2004** in **Great Britain** and **PCT/EP2005/000933** filed on **27 January 2005** is claimed under 35 U.S.C. §119 and 35 U.S.C. §365;

XXXX Cover page of published PCT Publication No. **WO 2005/075962 A1**;

_____ Copy of International Preliminary Examination dated _____;

_____ Copy of PCT Demand Under Article 31; and

XXXX Copy of International Search Report dated **10 June 2005**

XXXX Statement Under Article 19.

_____ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) are transmitted herewith.

The Filing Fee is calculated below.

CLAIMS AS FILED				
(1) For	(2) Number Filed	(3) Number Extra	(4) Rate	(5) Basic Fee \$300.00
Total Claims	39 - 20 =	19	x \$50.00	\$950.00
Independent Claims	4 - 3 =	2	x \$200.00	\$400.00
Multiple Dependent Claim Fee		x \$360.00 = \$0.00		
SEARCH FEE		\$500.00		
EXAMINATION FEE		\$200.00		
NATIONAL STAGE APPLICATION SIZE FEE (\$250 FOR EACH ADDITIONAL 50 SHEETS OVER 100 SHEETS)		\$		
TOTAL FILING FEE		\$2,350.00		
1/2 FILING FEE FOR SMALL ENTITY		\$1,175.00		

XXX Firm's check in the amount of \$ **1,175.00** to cover the filing fee (small entity);

XXX The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required with this communication or during the entire pendency of the application, or credit any overpayment, to **Deposit Account No. 01-0467**. A duplicate copy of this Form is enclosed.

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Address all future communications to: **Paul D. Greeley**
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Dated: August 4, 2006

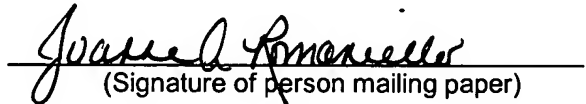


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CERTIFICATE OF EXPRESS MAILING

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Joanne A. Romaniello
(Typed name of person mailing paper)



(Signature of person mailing paper)



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VIA FACSIMILE

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17 August 2005

Dear Sirs

**PCT PATENT APPLICATION NO: PCT/EP2005/000933
TO ELAN VITAL (UK) LTD
OUR REF PAEVBA249**

These are informal comments concerning the written opinion of the International Searching Authority of 10 June 2005; as requested in the email from Antonia Muller of the PCT Examination Section dated 17 August 2005.

In order to conduct an analysis of samples in D1 the samples are glued to the container (see paragraph [0029] of D1). The samples of D1 are therefore not fluid samples as required by Claim 1 of the present application.

All the claims considered to lack novelty relate to the analysis of fluids and accordingly are novel in relation to D1.

The claims also involve an inventive step in relation to D1 in that in order to conduct an analysis in D1, the specimen comes into physical contact with the trained practitioner by being collected, glued, mixed and/or blended whilst heated with other specimens/substances/fluids. The system of the present invention avoids this interactive and lengthy process time requiring a highly skilled practitioner since the fluid sample is contained and sealed from collection to completion of the analysis. Accordingly, the system of the present invention prevents the risk of contamination and change in the specimen/sample prior to or during analysis.

Furthermore, D1 is dependent upon the use of controlled temperature regulating, changing and sensing devices to change and maintain the specimen temperature; such devices are not necessary in the system of the present invention.

Yours faithfully

Peter Bawden